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Attorneys for Plaintiff,  
AMERICAN SMALL BUSINESS LEAGUE

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

AMERICAN SMALL BUSINESS  
LEAGUE,

Plaintiff,

vs.

UNITED STATES SMALL BUSINESS  
ADMINISTRATION,

Defendant.

Case No. 4:21-cv-02877-DMR

**DECLARATION OF MICHAEL F. RAM IN  
SUPPORT OF PLAINTIFF'S MOTION FOR  
AWARD OF ATTORNEY'S FEES AND  
COSTS**

Date: October 27, 2022  
Time: 1:00 p.m.  
Judge: Hon. Donna M. Ryu  
Dep't: Courtroom 4, 3rd Floor

1 I, Michael F. Ram, declare as follows:

2 1. I am an attorney with the law firm of Morgan & Morgan. I am admitted to  
3 practice before this Court and am a member in good standing of the California State Bar. I make  
4 this declaration of my personal knowledge. I respectfully submit this declaration in support of  
5 Plaintiff's Motion for Attorney's Fees and Costs.

6 2. Morgan & Morgan is a nationwide lawfirm with offices throughout the country,  
7 including in San Francisco where my office is located. It offers services in a wide range of  
8 practice areas. My own practice is devoted to consumer class actions, and has been for nearly 35  
9 years.

10 3. I am familiar with the facts of this case.

11 **A. Qualifications**

12 4. I am a consumer class action lawyer with 40 years of experience at the trial and  
13 appellate levels. I graduated from Harvard Law School *cum laude* in 1982. Since 1982, I have  
14 focused my practice on complex litigation, and since the early 1990's, I have particularly focused  
15 on plaintiff-side class actions. I am admitted to practice before the Supreme Court of the United  
16 States and various state and federal courts including this District.

17 5. My colleagues and I at the firms at which I have been employed have billions of  
18 dollars in recovery for class members. No court has ever denied our adequacy as class counsel.

19 6. Before opening my own firm, I practiced at Morrison & Foerster in San Francisco  
20 and then at Lieff, Cabraser, Heimann & Bernstein. I then practiced with Karl Olson at the firms  
21 of Levy, Ram & Olson; Ram & Olson; and Ram, Olson, Cereghino & Kopczynski for 20 years,  
22 from 1997 to 2017. I am, therefore, very familiar with the high quality and efficiency of his  
23 work, and the scrupulous accuracy of his billing. After leaving Ram, Olson, Cereghino &  
24 Kopczynski in 2017, I worked at Robins Kaplan LLC, before joining Morgan & Morgan.  
25 Because I have practiced at small, mid-size, and large firms, and because I have practiced in San  
26 Francisco for 40 years, I am very familiar with the prevailing hourly rates for lawyers in the San  
27 Francisco Bay Area. I establish my rate based on the prevailing market rates for attorneys of  
28 comparable skill and experience.

**B. Reasonableness of Hours Spent By Plaintiff's Counsel**

8. I am informed that the rates sought by plaintiff's counsel in this matter are \$800 an hour for Karl Olson, \$400 an hour for Aaron Field, \$325 an hour for Irene Lee, and \$175 per hour for paralegals and legal secretaries. These rates are below prevailing market rates in the Bay Area. My rate is \$1,100 an hour.

9. Based on my review, I believe that the hours expended by Plaintiff's counsel were reasonable and necessary to obtain the results that they obtained, especially because both parties did extensive briefing on cross-motions for summary judgment. The issues that were addressed in this briefing were complex, requiring additional research and analysis.

10. The docket and the briefs filed in this case also show that the Defendant put forth a vigorous defense, requiring Plaintiff's counsel to respond with an in-depth, heavily-researched response, supported by declarations.

11. I have reviewed the hours spent by Plaintiff's counsel on various aspects of this litigation, including drafting pleadings and other tasks. I believe those hours to be reasonable and appropriate in light of Defendant's vigorous advocacy.

12. I have also reviewed the hours Plaintiff's counsel has spent to date on preparing its motion for attorney's fees. I am informed that Plaintiff currently requests \$55,000 for "fees on fees." This figure is likely to be far less than plaintiff is likely to spend on the opening brief and declarations, a reply Brief, and to prepare for and attend the hearing. This amount is reasonable and is less than parties often incur litigating attorney's fees.

**C. Appropriateness of Case Staffing and Exercise of Billing Judgment**

14. In my opinion, Plaintiff's counsel appropriately staffed this case, dividing work between three attorneys: senior partner Karl Olson, junior partner Aaron Field and associate Irene Lee. It is apparent that Plaintiff's counsel made substantial efforts to reduce fees and costs by allocating most of the work on the case to junior partner Aaron Field and associate Irene Lee. For example, Mr. Field handled the oral argument on the cross-motions for summary judgment and was the only attorney who attended that hearing.


15. In addition, Plaintiff appropriately used junior attorneys for legal research, document review, and drafting. The time spent in this case was reasonable, with Plaintiff prosecuting this case over more than a year (nearly two years including preparation), extensive briefing on cross-motions for summary judgment, and litigation of attorney's fees.

16. I am informed that plaintiff's counsel had incurred \$102,258 in attorney's fees and seeks recovery for \$89,752.68 in attorney's fees and costs (not counting "fees on fees"), as of July 7, 2022, including 27.55 hours of Karl Olson's time at \$800 an hour, 113 hours of Aaron Field's time at \$400 per hour, and 43.95 hours of Irene Lee's time at \$325 per hour, plus 26.75 hours of paralegal and legal assistant time at \$175 per hour, as well as \$3,547.68 in costs. I believe that is a reasonable amount. I am informed that the actual amount of fees and costs incurred was higher and that plaintiff's counsel has reduced the time to reflect billing judgment and/or apportionment. In my opinion, this amount is quite reasonable and is considerably less than what is usually spent litigating FOIA and similar cases. A higher number would have been reasonable and appropriate.

17. In short, Plaintiff's total requested amount – \$144,752.68 (which includes both attorney's fees and costs and "fees on fees") – is reasonable because of the amount of work needed to prosecute the case and defend against the SBA's vigorous defense.

I declare under penalty of perjury that this Declaration is true and correct.

Executed this <sup>19<sup>th</sup></sup> day of August 2022 in San Francisco, California

  
MICHAEL F. RAM